



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/811,909 | 03/19/2001 | Erik Peterson | J6688(C) | 8959 |
| 201 | 7590 | 07/14/2004 | EXAMINER | |
| UNILEVER PATENT DEPARTMENT 45 RIVER ROAD EDGEWATER, NJ 07020 | | | MCDOWELL, SUZANNE E | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1732 | |

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/811,909 | PETERSON, ERIK | |
| | Examiner | Art Unit | |
| | Suzanne E. McDowell | 1732 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>8/23/01 and 10/23/02</u> | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1732

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I in the reply filed on 4/16/04 is acknowledged.
2. Claims 12-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/16/04.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 6, 9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakurai et al. (JP 359103726). Sakurai et al. discloses a method of extrusion stretch blow molding to form a transparent container wherein the parison is formed by extrusion, cooled, stretched, and blown during or after the stretching. Stretching and blow molding necessarily form biaxial orientation.
5. Claims 1, 7, 8, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Cox et al. (US Patent 5,000,905). Cox et al. discloses a method of extrusion stretch blow molding a bottle (50) which may be polypropylene (see abstract).
6. Claims 1, 2, 4, 6, 7, and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Belcher (US Patent 5,149,485). Belcher discloses a method of extrusion stretch blow molding by extruding a tube (20), passing the tube through cooling means (60), into a set of two or more molds (24a, 24b), stretching the tube with a stretching means (46) to form a container, whereby the container may be formed from polyethylene terephthalate and may be clear or colored (column 1, lines 62-66).

Art Unit: 1732

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 5, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Sakurai et al. (JP 359103726) or, in the alternative, Cox et al. (US Patent 5,000,905) or, in the alternative, Belcher (US Patent 5,149,485). Sakurai et al. discloses a method of extrusion stretch blow molding to form a transparent container wherein the parison is formed by extrusion, cooled, stretched, and blown during or after the stretching. Cox et al. discloses a method of extrusion stretch blow molding a bottle (50). Belcher discloses a method of extrusion stretch blow molding by extruding a tube (20), passing the tube through cooling means (60), into a set of two or more molds (24a, 24b), stretching the tube with a stretching means (46) to form a container.

Regarding claims 3, 5, 15, and 16, it is generally well known in the art to provide preforms with various wall thicknesses and to blow mold them at various ratios, depending upon the material utilized, its temperature, rate of extrusion, and the characteristics of the finished container. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use generally well known molding techniques or, in the alternative, routine experimentation, to optimize the method taught by Sakurai et al., or, in the alternative, Cox et al. or, in the alternative, Belcher, in order to form the finished article.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Andersen (US Patent 4,968,242).

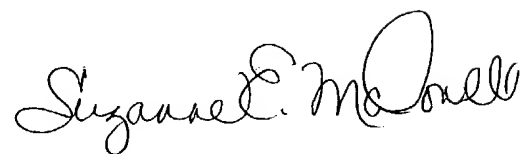
Art Unit: 1732

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne E. McDowell whose telephone number is (571) 272-1205. The examiner can normally be reached on M, W, Th 6:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEM
July 12, 2004



SUZANNE E. MCDOWELL
PRIMARY EXAMINER